

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DENISHA DANIELS, DORIS
RANDLE, MICHAEL LEE, JR., and MICHA
LATRICE LEE, Minors.

FAMILY INDEPENDENCE AGENCY

Petitioner-Appellee,

v

ALVIN RANDLE,

Respondent-Appellant,

and

LONNETTA WARREN, KENNETH DANIELS,
and MICHAEL LEE, SR.,

Respondents.

UNPUBLISHED

April 14, 1998

No. 203881

Kalamazoo Juvenile Court

LC No. 92-000052

Before: Michael J. Kelly, P.J., and Fitzgerald and M.G. Harrison*, JJ.

MEMORANDUM.

Respondent Alvin Randle appeals as of right from the juvenile court order terminating his parental rights to his minor daughter, Denisha Daniels, under MCL 712A.19b(3)(h); MSA 27.3178(598.19b)(3)(h). We affirm.

Petitioner presented clear and convincing evidence that termination of respondent's parental rights was warranted under subsection (3)(h). *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). Because respondent did not show that retaining his parental rights was in the child's best

* Circuit judge, sitting on the Court of Appeals by assignment.

interest, the juvenile court did not clearly err in terminating those rights. *In re Hall-Smith*, 222 Mich App 470; 564 NW2d 156 (1997).

Respondent's sole claim is that the trial court should not have terminated his parental rights because his girlfriend, who was the mother of two of his other children, could have been a temporary custodian. We disagree. First, the issue has not been preserved for appeal because respondent did not raise it below. *McCready v Hoffius*, 222 Mich App 210, 218; 564 NW2d 493 (1997). Second, the issue is without merit. Once the court finds grounds for termination of parental rights, it must order termination unless it finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5). On such a finding, rather than terminate parental rights, the court may continue temporary wardship and allow the child to be placed with a proper custodian. *In re McIntyre*, 192 Mich App 47, 53; 480 NW2d 293 (1991). The choices for placement are governed by MCL 712A.18; MSA 27.3178(598.18), and regarding individuals other than foster parents, that section limits placement to the home of an adult who is related to the child. The statute specifically defines "related" as "being a parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, or aunt by marriage, blood, or adoption." MCL 712A.18(1)(b); MSA 27.3178(598.18)(1)(b). Therefore, while respondent is correct in his assertion that temporary custodians are not limited strictly to blood relatives, he is not entitled to relief because his girlfriend was not a relative as defined by statute and thus the court could not place the child in her home.

Affirmed.

/s/ Michael J. Kelly

/s/ E. Thomas Fitzgerald

/s/ Michael G. Harrison*